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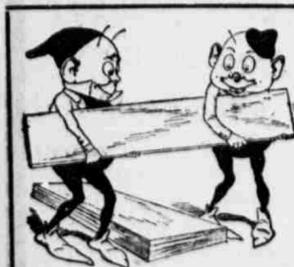
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R. M. HAMPTON, Pres. Alliance, Nebr.

CHAS. C. JAMESON, Sec.-Treas. Ellsworth, Nebr.

Nebraska Stock Growers Association

Ellsworth, Nebraska, February 20, 1911.

Dear Sir:

The "Gould Law" was enacted in 1905. This law is for the benefit of shippers of live stock in car-load lots, requiring the railroads to transfer your stock within this state at a speed so that the time required from the shipping point to destination shall not exceed one hour for each eighteen miles on main lines, and on branch lines twelve miles each hour; further providing that the railroad companies shall pay a penalty of ten dollars for each hour for each car they prolong the time of transportation beyond the period limited.

We have suffered great loss by the unwarranted delays in transporting our stock to such an extent that it is unnecessary to say that this law is of great and vital interest to us.

The railroads have entirely ignored it, made no attempt to meet its requirements. Many claims have been filed by shippers with the claim agents of the different roads. In a few instances actions have been started in the courts, and are still pending.

The only case that I know of that has been carried to a decision is that of W. I. Cram vs. C. B. & Q. R. R. Co. This action commenced in the district court of Garfield county some four years ago. In this court judgment was in Mr. Cram's favor. An appeal to the supreme court by the railroad company resulted in holding the decision of the district court good. A motion on behalf of the railroad company for a rehearing was granted. Result, a decision again in Mr. Cram's favor.

The briefs in this case are many and long. Mr. Cram has prosecuted his suit without aid, using his personal funds to an amount larger than the judgment. And inasmuch as he has now closed out his ranch business, he does not feel as though he can go further with it, the C. B. & Q. R. R. Company having given notice of their intention of appealing to the United States supreme court.

The executive committee of this association are of the opinion that, as the sustaining of this law is of great importance to all stock shippers, action be taken to the end that the case be defended in the higher court. Mr. R. M. Hampton, president, sent a letter to each member of the executive committee asking their opinion of the matter. Printed copies of their replies are enclosed herewith. A printed copy of Mr. Cram's letter to Mr. Hampton which is enclosed will also give you much information.

In order to defend this case in the higher court it requires the expenditure of a large sum of money, and as the importance of it is so evident we feel sure you are with us, and we ask for your assistance. Can we count on you? And for what amount?

We have engaged E. J. Clements of Lincoln, who has been Mr. Cram's attorney throughout, and is thoroughly familiar with the case, to prepare the brief and argue the case before the United States supreme court at Washington.

The railroads of the state are as one in attempting to have this act declared unconstitutional, and they have brought into it their best legal talent.

Your reply will be appreciated.

Very truly yours,

CHAS. C. JAMESON, Sec.-Treas.

W. I. CRAM'S LETTER TO R. M. HAMPTON, PRESIDENT

Burwell, Nebraska, December 13, 1910.

R. M. Hampton, Esq., Alliance, Nebr.

Dear Sir: On the 23rd day of November, the supreme court of Nebraska finally determined my case against the C. B. & Q. Ry. Co. in my favor. As you are aware, this case involved the constitutionality of stock-shipping act of 1905 known as the Gould law, and this decision fully establishes its constitutionality, in so far as the state court can do so. But the railroad company have now taken the case to the supreme court of the United States and if the stock shippers of the state are to retain the advantage which has been gained by my success thus far, the case will have to be properly and vigorously briefed and presented in the United States supreme court.

Since the beginning of said action my health failed and I was compelled to, and did sell out my stock business and I am not now engaged therein; and therefore have no financial interest in sustaining the Gould law, except in collecting the small judgment which was rendered in said case. The sustaining or overthrowing of this law means hundreds of thousands of dollars in gain or loss to the men engaged in the stock business, compared with which my interest therein is insignificant. I have conducted this litigation for a period of more than four years, the case being one of the most bitterly contested that has ever been tried in the supreme court. Seven attorneys have appeared on behalf of the railroad companies, including Mr. White, the general counsel for the Northwestern, who was allowed to appear as a friend of the court. Nine briefs were filed, the case was four times argued and four opinions were written. If my attorney were paid a reasonable fee for the work which he has already performed in this case, the judgment, which is about \$1,200.00, would not be sufficient to pay said fee and the expenses which I have been to.

I therefore feel that I have done more than my share in this litigation which inures to the benefit of all the stock-shippers of the state and that, in fairness, they should bear the expenses of the litigation in the United States Supreme Court. My attorney, E. J. Clements, who has fought this case for me since its inception, informs me he is confident the decision of the state court will be affirmed if the case is properly presented. He also informs me that a reasonable attorney's fee and other expenses incident to said litigation in the United States Supreme Court will be, at least, \$1,000.00. If I were still engaged in the stock business, I should not hesitate to bear the additional expense necessary to win this case in the court of last resort, even if I received no assistance from others who are more interested than I. But under existing conditions I cannot afford to do so. One of the attorneys for the railroad company informed Mr. Clements that there were nearly half a million dollars in claims against the railroads of this state depending upon the result of this suit. If each party interested would bear his share of the expenses, it would be almost nominal.

In March, 1910, you wrote to Mr. Clements that the Nebraska State

Stock Growers Association, of which you are president, was interested in the result of this suit and that you would use your best efforts to assist. Several shippers, who are not members of the association, have expressed their willingness to aid. It will, however, require organized effort to accomplish anything in this line, and I write to you as your association is in better position to reach the men interested and will be more help than any individual shipper would be.

Will you take this matter up with the other officers and inform me or my attorney, Mr. Clements, what the association will do to prevent losing the results of the victory which we have won for the stock-shippers of the state?

Yours truly, W. I. CRAM

COPIES OF LETTERS OF EXECUTIVE COMMITTEE TO PRESIDENT HAMPTON

Omaha, Nebr., 12/24/10. R. M. Hampton, Alliance, Nebraska.

Dear Mr. Hampton: Answering your letter in regard to the Gould law, I think that there is no question but what the Nebraska Stock Growers' Association should take up the fight where Mr. Cram leaves off, and if the association does not feel like doing it, I, as an individual, am willing to bear my proportional share of the expense. Perhaps we will have to do this anyway, but it will give force to have the Association take it up.

I will do what I can to raise some money, if you wish me to. To my mind the sustaining of the lower courts is very important. And as far as I am concerned, both as an individual and member of the executive committee I authorize you to go the limit.

I do not think the Association or its individual members should bear all the expense, but we can look after that later. No doubt those having claims filed would be willing and even glad to chip in.

Very truly yours, A. R. MODISSETT, Rushville, Nebr.

Alliance, Nebr., 12/21/10. Mr. R. M. Hampton, Alliance, Nebr.

Dear Sir and Friend: Your letter with enclosed copy of letters from Mr. Cram received and I hasten to reply. I am sure that every stock grower that has ever shipped one car of stock to market would be glad of the opportunity to register on Mr. Cram's side in this case.

As an association I think we should fight this case to the finish and tender Mr. Cram a vote of thanks for extending us the privilege.

Thanking you for the interest you are taking in this matter I remain, Yours truly, CHAS. H. TULLY.

Hyannis, Nebr., Jan. 9, 1911. R. M. Hampton.

Dear Sir: Yours of December 29 received and in reply will say in the matter of the Gould law I think by all means the association should stand the expenses of carrying the

case up. Yours respectfully,

(Signed) A. T. DAVIS.

Alliance, Nebr., Dec. 26, 1910. Mr. R. M. Hampton, City.

Dear Sir: Yours of recent date regarding the Cram letter at hand. I think it would be a mistake to let this matter drop for want of funds to prosecute and believe the association should help in the matter. I spoke to Mr. Hall and he thinks we should contribute as a firm as well.

Yours truly, (Signed) ROBERT GRAHAM.

Bailey, Nebraska, Dec. 23, 1910. Mr. R. M. Hampton.

Dear Sir: In reply to yours of the 20th I think the same as you and am in favor that the Nebraska Stock Growers' Association should bear the expenses of finishing that suit. Of course non-members will have the same benefit the same as in brand inspection but that cannot be helped. I have talked good and plain to some men in our neighborhood trying to get them to join. They said they ought to, but that is as far as it goes, it costs money.

Hoping that the stockmen will come out all right in this fight I am, Yours very truly, (Signed) WM. FLEISCHMAN.

Lewellen, Nebraska, Dec. 26, 1910. R. M. Hampton, Alliance, Nebr.

Dear Mr. Hampton: Replying to your letter of December 20th would say that I have considered the matter carefully and have decided that our association should certainly help Mr. Cram in going the limit to make the Gould law effective, as it means thousands of dollars to the stock growers of our state and we certainly don't want to lose the results already gained. Yours truly, (Signed) JOHN H. ORR.

Ogallala, Nebr., Dec. 28, 1910. R. M. Hampton, Alliance, Nebr.

Friend Hampton: I will be in Lincoln this week and will take that matter up with the attorney general and see if they will send some one to Washington to look after that speed limit law. It is the state's place to defend this case after it has left the district court. I will write to you as soon as I return. Yours very truly, (Signed) E. M. SEARLE, JR.

Alliance, Nebr., Dec. 26, 1910. R. M. Hampton, Alliance, Nebr.

Dear Mr. Hampton: I received your letter of the 20th in regard to an appeal in a case regarding the constitutionality of the Gould law. As this speed law is of general interest to all stockmen it is my opinion that the association should bear its share of the expense in seeing it through the higher court. Yours very truly, (Signed) H. J. KRAUSE.

Orlando, Nebr., Dec. 27, 1910. R. M. Hampton, Alliance, Nebr.

Dear Sir: Received your letter of late date in regard to Mr. Cram's letter. I am of the opinion that the speed law is beneficial to the stockmen if we can enforce it and I would be in favor of doing what we can to hold this law in effect.

Yours truly, E. M. ELDRED.

Hyannis, Nebr., Jan. 3, 1911. R. M. Hampton, Alliance, Nebr.

Dear Sir: In answer to your letter of December 20th in regard to case of speed limit in test case of Gould law, I am very much in favor of the association standing the expense of fighting it through supreme court and am willing for you to go ahead and make such arrangements as are necessary to make it win. I have talked with stockmen here and they all seem to think we ought to push it through.

I think the speed limit law one of the best laws ever passed by our legislature and would like to see it stand up. Hoping we may succeed I am, Very respectfully, (Signed) J. H. MONAHAN.

Gordon, Nebraska, Dec. 29, 1910. R. M. Hampton, Alliance, Nebr.

Dear Sir: My opinion is that the Cram case should be followed to a finish. And I think it no more than right for the association to bear the expenses of carrying it to the supreme court. Yours very truly, (Signed) DAN HILL.

Lisco, Nebr., 12/30/10. R. M. Hampton, Alliance, Nebr.

Dear Sir: Yours of the 20th received. I certainly think that the association should see that this case is protected in the higher courts. Yours truly, (Signed) REUBEN LISCO.

Merriman, Nebr., 1/12/11. R. M. Hampton, Alliance, Nebr.

Dear Sir: Yours of December 20 at hand after an absence of one month. I am very much in favor of the association assisting Mr. Cram in the prosecution of his suit. It seems to me we should receive some assistance from the live stock exchange at South Omaha in this matter. Yours truly, (Signed) A. H. METZGER.

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